

### REMARKS

Claims 1-12 were previously pending. In this Response, (a) claim 1 has been amended for merely cosmetic reasons (i.e., having no affect on the broadest reach of the claims under the doctrine of equivalents), (b) claims 9-12 have been cancelled without prejudice or disclaimer as being subject to restriction by the Patent Office, and (c) new claims 13-19 are now added. Accordingly, claims 1-8 and 13-19 stand for consideration at this time. Early reconsideration and allowance are respectfully requested.

### Rejections Under 35 U.S.C. 103:

In the Office Action, claims 1-8 were rejected over a combination of **seven** (7) references under 35 U.S.C. 103 - namely, over (1) Whetstone in view of (2) Ferrero (or vice-versa) further in view of (3) Bassett, (4) Mederer, (5) Moses, (6) Boon, and (7) Terrasi. These rejections are most respectfully traversed, as follows.

As set forth below, it is respectfully submitted that the Patent Office's rejections are based on (1) improper reliance on deficient references which do not teach the features claimed and

(2) mis-characterizations of Applicant's inventions and knowledge in the art.

1. Mis-Characterization of Applicant's Inventions And Knowledge In The Art

a. Mis-Characterization of Application's Inventions

To begin with, it is most respectfully submitted that the Patent Office has improperly asserted that "Applicants disclosure appears to be based on the premise that he was the first to provide minimally to zero bonding of edible parts which is not the case." However, the Patent Office's assertions are incorrect.

By way of example, the Examiner's attention is directed to the last paragraphs on page 8, which include, e.g., some illustrative possible benefits including (1) possible enhanced alignment benefits during manufacture and/or (2) possible enhanced gripping or engagement benefits after manufacture.

First, the collar 7 constitutes a guide element which enables half-shell 2 shown in Figure 4 to be moved into a position over the other half-shell with the two openings exactly **aligned**, thus avoiding any misalignment.

Secondly, the collar 7 provides a slight **grip** or **engagement** action on the half-shell 2 ...

Id. at 8.

b. Mis-Characterizations of Knowledge in the Art

In the Office Action, the Patent Office indicates that:

- (1) "the geometry of the offset effect is seen to have been an obvious matter of design" (see page 4 of Office Action); and
- (2) "it would not matter where the connection line is relative to the coupling line" (see page 3 of Office Action).

First, the Patent Office's statements (1) and (2) are incorrect. These statements are strongly traversed. If the Patent Office, for some reason, wishes to maintain these positions, the Patent Office is respectfully requested to supply teachings to support these holdings.

Second, and very notably, the Patent Office's statement (2) above actually contradicts the Patent Office's own statement (1) above. In this regard, the fact that the Patent Office itself does not appreciate benefits that may be achieved illustrates that the claim recitations should not be considered an obvious matter of design choice. It is respectfully submitted that the Patent Office's position, thus, effectively suggests that the Patent Office does not understand that which the Patent Office considers to be obvious.

c. Further Remarks Regarding Patent Office's

Misunderstanding

While some illustrative terminology and examples are mentioned below, for discussion purposes, these are not intended

to limit the broad terminology in the claims or to restrict a broadest interpretation of the terms in the claims.

As discussed above, one problem underlying some embodiments of the invention is to provide a method for wrapping a food product in a sheet material, where the food product comprises at least two complementary parts, coupled together along a coupling line, where the two parts are to be kept in register, coupled along said coupling line, both during the wrapping operation (e.g., during manufacture) and in the final wrapper (e.g., after manufacture).

The inventors of the present application - having realized that the two parts of the product could be wrapped without having been previously permanently bonded one to the other - wanted to identify a method which would allow the wrapping of said parts by keeping them in alignment (e.g., in register).

In this connection, it should be realized that - contrary to the Patent Office's suggestion - in order to achieve this particular goal of exemplary embodiments, one cannot simply rely on the tightness of the wrapper to retain, e.g., the two edible parts coupled substantially freely.

In fact, if said two parts are not coupled in register during the wrapping operation, the tightness of the wrapper - while indeed suitable to retain the two parts within the wrapper - would not be suitable to bring the two parts in alignment

(e.g., in register) in the final product or in any case, to achieve such a goal, it would likely be necessary to exert a pressure which is not compatible with the relatively fragile edible parts to which the invention relates.

According to some preferred embodiments of the invention, a wrapper can be formed with two complementary parts, which are joined together along a respective connection line and indeed a characterizing feature of such preferred embodiments may be that the coupling line between the two parts of the product is offset with respect to the connection line.

By virtue of this feature, in some embodiments, one part of the wrapper can be shaped so that it projects beyond a selected part of the product. For example, a collar (7) can be formed in some embodiments which surrounds and projects from the selected part of the product.

By virtue of this feature, relative movement between the two parts of the product can be prevented during the wrapping operation, so that the two parts of the product can be positioned in alignment one with the other and maintained in register during the overall wrapping operation.

While some illustrative terminology and examples are mentioned above, for discussion purposes, these examples are not intended to limit the broad terminology in the claims or to --

in any way -- restrict a broadest interpretation of the terms in the claims.

## 2. Deficiencies of References

None of the references teach or suggest the combination of features recited in claim 1 including "[a] method for wrapping in a sheet of material a food product comprising at least two complementary parts coupled together along a coupling line, comprising the steps of: forming the wrapper in at least two complementary parts which can be joined together along a respective connection line, positioning the said product in the said wrapper, **ensuring that the said coupling line is offset with regard to the respective connection line between the said two parts**, with the **said two parts of the product being coupled substantially freely**, and closing the said wrapper around the said product along the said respective connection line."

Emphasis Added.

First, none of the references cited teach or suggest, among other things, "ensuring that the said coupling line is offset with regard to the respective connection line between the said two parts" highlighted above. As described above, using such an "offset" in some embodiments can have some notable benefits.

Second, none of the references cited teach or suggest, among other things, the use of the above "offset" along with "two parts of the product being coupled substantially freely." As described above, using such a "offset" in cases where "two parts of the product [are] coupled substantially freely" also provides considerable benefits in some embodiments - such as, e.g., related to (1) alignment during wrapping and/or (2) enhancing grip or engagement.

With respect the Whetstone reference, the reference clearly does not teach or suggest the present invention as claimed, among other things, when the outer wrap 18 is applied, specific means (e.g., joint connection 28, rib 42, protrusions 100, the supporting shells 20 and 24) are required in order to keep the two parts in register. Moreover, the support half shells 20 and 24, which are shaped complementary to the two edible parts, are configured to exclude the possibility that the two edible parts do not have their mating edges in register. Thus, the Whetstone reference would not even receive parallel advantages to that which may be achieved in some embodiments of the present invention if some aspects of the present invention were even included therein.

Thus, there would be no reason or motivation to modify the Whetstone device as suggested by the Patent Office. Notably, Whetstone is not concerned with, e.g., any wrapping problem.

With respect to the Ferrero reference, Ferrero certainly does not deal with a product which is made by a plurality of complementary parts which are freely coupled together.

Moreover, the Ferrero reference and the remaining references clearly do not fulfill the deficiencies of Whetstone. Similarly, the Whetstone reference clearly does not fulfill the deficiencies of the Ferrero reference.

Withdrawal of these rejections is respectfully requested.<sup>1</sup>

**Newly Added Claims:**

Newly added claims 13-19 recite additional combinations of features that are clearly not taught or suggested by the cited references. As should be appreciated based on the above, these additional claims should also be in condition for allowance.

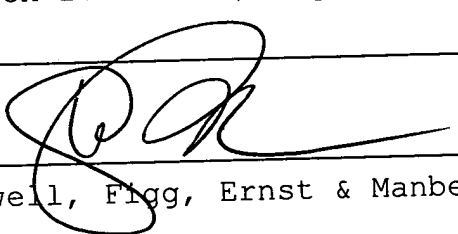
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<sup>1</sup> As explained above, it should be readily appreciated that claim 1 has been amended slightly for merely cosmetic reasons (i.e., having no affect on the broadest reach of the claims under the doctrine of equivalents), such as, e.g., to use a better choice of words.



**Concluding Remarks:**

In view of the above amendments and remarks, it is respectfully submitted that all of the pending claims satisfy the requirements of the patent statutes. Reconsideration of the instant application, withdrawal of all rejections and early notice of allowance are requested. The Examiner is invited to telephone the undersigned if it is deemed to expedite allowance of the application. In the event that any fees may be now due, please charge our Deposit Account No. 02-2135.

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1729-400 amendment